APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/366,135	08/02/1999	LLOYD A. ADAMS	P/2167-105	2699

7590   06/17/2003

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EXAMINER
CHENCINSKI, SIEGFRIED E

ART UNIT	PAPER NUMBER
3628	

DATE MAILED: 06/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/366,135	ADAMS ET AL.
	Examiner	Art Unit
	Siegfried E. Chencinski	3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _09 April 2003_ .

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _69-157_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _69-157_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

     If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

     a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5) ☐ Notice of Informal Patent Application (PTO-152)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .   6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1.   **Claims 69-157 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Campbell (US Patent 4,774,664) in view of Berger (US Patent 5,850,446).

Re. Claims 69-157, Campbell teaches a computerized system for processing financial transactions, including the following elements:

•   Involving a plurality of financial transaction accounting systems (Col. 1, lines 59-65; Col. 2, lines 30-44);

•   Using various conventional long distance communications means, such as networks, to receive and transmit data in and out of the central processor (Col. 3, lines 33-49).

•   User terminals remotely located from the central processor permitting an operator to enter a group of transaction data sets into a central processor (Col. 2, lines 45-48; lines 57-68; Col. 3, lines 33-49);

•   Each transaction data set comprising an amount, an account number, a payment reason and payment type and being associated with one of the said financial transaction accounting systems (Col. 2, lines 57-68; Col. 1, lines 63-65);

•   Using a central processor to apply each data set to its appropriate place in the financial accounting system, including the general ledger with which it is associated (Col. 1, line 66 through Col. 2, line2; Col. 2, lines 28-44).

•   A plurality of account processors connected to user terminals and a processing server (Col. 3, lines 33-40).

- Using at least one memory having financial transaction software (Col. 1, lines 59-65; Col. 3, lines 40-52).

- Applying a verification routine to determine if data was at least in part correctly entered (Col. 4, 2-4). Generally Accepted Accounting Principles contain numerous techniques for verifying, auditing, proving out or validating data and cumulations thereof. A manual total of certain cumulations is just one of many acceptable techniques in the accounting practice.

- Campbell does not teach:

- The use of a parsing processor server (Claim 1 and following) to sort individual transaction data sets for the purpose of sending them to the financial transaction accounting system each set is associated with. Campbell also does not teach the use of a breakout processor (Ind. Cl. 101).

- Using web browsing software, (Dep. Cl. 106).

- Displaying an icon (Dep. Cl 114).

- Electronic Funds Transfer (Dep. Cl. 115). Berger teaches:

- The use of a parsing processor to sort individual transaction data sets for the purpose of sending them to the financial transaction accounting system each set is associated with (Col. 159, Line 26; lines 61-62; Col. 160, lines 30-31). Applicant describes the breakout processor as a general purpose processor which he proposes to use in an alternative scheme to perform the function of parsing and of transmitting parsed information to account processors and/or general ledger systems (Page 14, line 15 through Page 15, line 8). This indirectly supports the Microsoft Computer Dictionary (Fifth Edition) in the sense that this dictionary does not have definitions for "parsing processors, parsing processor servers or breakout processors", meaning that these terms are strictly end use terms for general purpose processors, so that these labels describe the software functions of parsing and breakout.

- Using web browsing software (Col. 3, lines 21-23).

- Displaying an icon (Col. 12, lines21-24).

- Electronic Funds Transfer (Col. 1, lines 16-20).

As such, an ordinary practitioner of the art at the time of the invention would have applied Campbell's teaching with Generally Accepted Accounting Principles for book keeping, report generation, web browsing, using icons in displays and electronic funds transfers with the commonly known functions of parsing and breakout processing for the purpose of incorporating the features and techniques of parsing, breakout data transmission, report generation, web browsing, using icons in displays and electronic funds transfers to establish an automated, network based financial transaction system. The combination of Berger and Campbell also does not teach the techniques of verifying accuracy by comparing manually totaled information with computer totaled information relating to a transmitted batch of information made up of a plurality of transaction (Claim 1 and following), a check writing system (Dep't Claim 119), computer report generation, (Dep't Claim 118), accounts payable system (Dep't Claim 120) and demand deposit account (Dep't Claim 149). Campbell and applicant both state in their specifications that their inventions have primarily been designed for lending institutions (Campbell, Col. 1, lines 6-9; Applicant, Page 1, lines 3-17). Generally Accepted Accounting Principles and accounting systems universally use these features and techniques. As such, an ordinary practitioner of the art at the time of the invention would have combined Campbell and Berger with Generally Accepted Accounting Principles to establish applicant's system to assure valid data entry, produce reports, operate an accounts payable system, and process demand deposit accounts in a financial institution.

Accordingly, it would have been obvious to an ordinary practitioner of the art presented in this application tat the time of the claimed invention to design and operate a system and method for processing financial transactions and offering optional the other optional features cited above, while using a parsing processing server and, optionally, a breakout processor, to process financial transaction data sets related to a plurality of financial transaction accounting systems, receiving such data sets from a plurality of off site user terminals through a variety of public and private networks, including the internet, sending such transaction data sets over a separate variety of public and private

networks to the financial transaction accounting system each is associated with, for the purpose of improving the efficiency and quality of financial accounting data processing.

Response to Arguments

2.   Applicant's arguments filed April 9, 2003 have been fully considered but they are not persuasive.

General: Applicant is reminded that each reference cited in a rejection is valid in its entirety, whether or not the examiner has pointed out particularly relevant portions of text, figures, drawings or data contained therein.

A.   Argument: On page 4, line 10 – page 6, line 26, Applicant argues that the following claim elements (69-d, 88-b-3, 93-d, 101-e, 121-b-3&4, 125-d&e, 133-d and 154-a&b) are neither disclosed nor suggested even in the combination of the art of record.

Examiner's Response: The prior action of the Examiner cited the art which does disclose each of the claim elements in question in combination of the art of record (Campbell in view of Berger). For the convenience of Applicant, the Examiner is displaying the following match of each reference citation with each claim element in question:

Claim 69 (d): "

- said parsing processing server receiving said group of transaction data sets (Berger, Parsing – Col. 159, lines 26, 61-62; Col. 160, lines 30-31; NOTE – Since parsing is a software procedure involving the joining, deletion, or extraction of some text characters to use them elsewhere in a program, it can be done by any processor);

- determining if said group was correctly entered (Campbell, Col. 4, line 3; Col. 7, lines 17, 26-27);

- and, if so, sending each transaction data set in said bundle to that said financial transaction accounting system with which it is associated (Campbell, Col. 3, lines 33-49). '

Claim 88 (b-3): "for each verified transaction data set in said batch, transmitting transaction data comprising of at least a portion of said verified financial transaction data set to said corresponding account processor (Campbell, Col. 3, lines 33-49).

Claim 93 (d): "said first processing server receiving said group of transaction data sets, determining if said group was correctly entered and, if so, transmitting said group as a bundle to a second processing server" (Campbell, Col. 4, lines 2-4; Col. 1, line 66 – Col. 2, line 2; Col. 2, lines 28-44);

Claim 93 (e): "said second processing server sending each transaction data set in said bundle to that said financial transaction accounting system with which it is associated" (Campbell, Col. 4, lines 2-4; Col. 1, line 66 – Col. 2, line 2; Col. 2, lines 28-44).

Claim 101 (d): "said breakout processor receiving said transaction data sets and determining, for each set, which financial accounting system said set is associated with as a function of said account number, said breakout processor sending each transaction data set to that said financial transaction accounting system with which it is associated" (Campbell, Col. 4, lines 2-4; Col. 1, line 66 – Col. 2, line 2; Col. 2, lines 28-44).

Claim 121 (b): "at least one central processing unit executing said processing software so as to...

(3) determine, for each verified transaction data set in said batch, which of said plurality of account processors said verified transaction data set is associated with the function of said account number" (Campbell, Col. 3, lines 33-40; Col. 1, line 66 – Col. 2, line 2; Col. 2, lines 28-44); and

(4) "for each verified transaction data set in said batch, transmitting transaction data comprising of at least a portion of said verified financial transaction data set to said associated account processor" (Campbell, Col. 3, lines 33-49; Col. 1, line 66 – Col. 2, line 2; Col. 2, lines 28-44).

Claim 125 (d): "said first processing server receiving said group of transaction data sets, determining if said group was correctly entered and, if so, transmitting said group

as a group of transaction data sets to a second processing server" (Campbell, Col. 4, lines 2-4; Col. 1, line 66 – Col. 2, line 2; Col. 2, lines 28-44);

Claim 125 (e): "said second processing server determining for each transaction set in said group of transaction data sets which financial transaction accounting system said set is associated with and sending each transaction data set in said group of transaction data sets to that said financial transaction accounting system with which it is associated" (Campbell, Col. 1, line 66 – Col. 2, line 2; Col. 2, lines 28-44; Col. 3, lines 33-49).

Claim 133 (d): "said breakout processor receiving said transaction data sets, determining, for each set, which financial transaction system said set is associated with as a function of said information which is unique to said customer and sending each transaction set to that said financial transaction accounting system with which it is associated" (Campbell, Col. 4, lines 2-4; Col. 1, line 66 – Col. 2, line 2; Col. 2, lines 28-44).

Claim 154 (a): "determining in said breakout server, for each of said financial transaction data sets in said group, which of said financial transaction accounting systems said financial transaction data set is associated with as a function of said unique information" (Campbell, Col. 1, line 66 – Col. 2, line 2; Col. 2, lines 28-44);

Claim 154 (b): "forwarding each of said financial transaction data sets in said group to that respective financial transaction accounting system said financial date set is associated with" (Campbell, Col. 3, lines 33-49; Col. 1, line 66 – Col. 2, line 2; Col. 2, lines 28-44).

B.   Argument: On page 7, lines 8-13,

- Applicant expresses a lack of understanding regarding the Examiner's comment that the steps in the cited claim element were a part of Generally Accepted Accounting Principles (GAAP).

- Applicant further requests an Examiner's Affidavit under MPEP 2144.03.

Examiner's Response: Applicant's argument ignores the above rejection context and Examiners' rejection comments, which are as follows:

"Applying a verification routine to determine if data was at least in part correctly entered (Campbell, Col. 4, 2-4). Generally Accepted Accounting Principles contain numerous techniques for verifying, auditing, proving out or validating data and cumulations thereof. A manual total of certain cumulations is just one of many acceptable techniques in the accounting practice."

The Examiner cited a specific prior art reference in Campbell through which to document that this particular claim element is prior art covered in the primary reference. The Examiner simply added the comment that this procedure, namely " a verification routine if data was at least in part correctly entered", happens also to be a standard accounting step, whether done manually or in automated fashion. The comment is not needed for the rejection, but simply was intended to say that this happens to be a well known, routine thing done in accounting. This would be common knowledge to the accounting members of any project team installing and modifying any accounting system. Since applicant is unfamiliar with the art of his accounting application, and since applicant has made his request under the guidelines of MPEP 2144.03, the Examiner is providing the accounting references he has requested. The examiner has selected excerpts from one of an abundance of accounting books, namely "Accounting, Information Technology and Business Solutions", Hollander, Dema and Cherrington, 1996, 2nd Ed., Irwin/McGraw-Hill, pages 269-288, 391-411, 415-430, 508-510 and also one definition from the Barron's Dictionary of Accounting Terms, 2nd Ed., 1995 (page 123). The specific practices and resources cited in the Examiner's rejection are located in the following pages of these books, copies of which are enclosed:

(1) Accounting, Information Technology and Business Solutions

- **Claim 1 and similar, "Verifying Accuracy"**: page 419, lines 1-6, as part of a larger section entitled "Specific Controls for Business or Information processing Risk" (pp. 415-430).
- **Claim 120 and similar, "Accounts Payable Systems"**: pp. 269-288.
- **Claim 119, "Check Writing Systems"**: pp. 277, 282, 286, as part of Accounts payable Systems.

- **Claim 118, "Computer Report Generation":** pp. 391-411.

(2) Barron's Dictionary of Accounting Terms, 2nd Ed.

- **Claim 149, Demand Deposit Accounts,** page 123.

Applicant's request for an Examiner's Affidavit is made irrelevant according to MPEP 2144.03. MPEP 2144.03 is entitled "Reliance on Common Knowledge in the Art or "Well Known" Prior Art". The Examiner's rejection statement was clearly made in the "Well Known" context by citing GAAP (Generally Accepted Accounting Principles), not the Examiner's personal experience. This MPEP section gives Applicant the right to request documentation from the Examiner to the Examiner's claim that an art is well known. The Examiner is complying with this request, per the above book excerpts. Also, Applicant surely is aware that all accounting used by public and private entities for tax filing purposes in the United States and all accounting for publicly owned corporations in the United States must by law be performed under GAAP. As such, it would seem to be fruitless for anyone to not use GAAP accounting procedures, whether manually, automated or in any combination. Various levels and components of GAAP are taught in thousands of schools in the United States and are contained in a high volume of books, publications and electronic media.

C.   Argument: On page 7, lines 14-23, applicant argues that the Examiner

(1) has not provided "any motivation for combining prior art as is required under MPEP 706.02(J).

(2) used "impermissible hindsight" in combining prior art.

Examiner's Response:

(1) Re. Applicant's sub-argument that the Examiner's action has not provided "any motivation for combining prior art as is required under MPEP 706.02(J), the Examiner's action did in fact discuss at length the motivation for combining the prior art from the bottom of page 8 and through the entire page 9 (supra). This includes the specific reference to the common motivation and focus of Campbell and Applicant ("Campbell and applicant both state in their specifications that their inventions have primarily been designed for lending institutions (Campbell, Col. 1, lines 6-9; Applicant, Page 1, lines 3-

17). Further, Campbell states the following in his "Objects of the Invention" (Col. 1, line 58 – Col. 2, line 12):

"... it is an object of the present invention to provide a centralized financial data processing system which avoids the aforenoted disadvantages of prior art systems, which integrates various individual loan and financial processing and accounting systems, and which provides various functions and operations not available heretofore.

Another object of this invention is to provide a central processing system and method of operating that system, in which a data bank provided at a central processor is used to store relevant financial loan information, the data bank being updated in real time.

A further object of this invention is to provide a financial data processing system which utilizes a host computer coupled, via suitable communication channels, to various distributed processors, such as mini-computers, each mini-computer being connected to one or more offices, and each office containing one or more terminals for accessing and updating financial loan information that is maintained at both the host computer and respective ones of the distributed processors connected thereto."

In response to applicant's suggestion that the Berger reference is, in effect, nonanalogous art, first, Berger specifically focuses his "Field of The Invention" (Col. 1, line 5 – Col. 4, line 35) at components of the banking system and the electronic monetary system, which clearly relate to the subject of applicant's application disclosure. It has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). Berger meets both of these criteria.

In sum, it is abundantly clear that an ordinary practitioner of the art at the time of applicant's invention could easily have combined the disclosures of Campbell with those of Berger and the practices of Generally Acceptable Accounting Principles to design applicant's network based system and method for automated financial transaction

processing and, more specifically, a system and method for processing financial transaction data, including payment, refund, and loan funding data, using a standard web browser in which the system automatically updates, from a group of account processors, the account processor associated with a particular account.

(2) Re. Applicant's sub-argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Conclusion

3.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4.   Any inquiry concerning this communication or earlier communications from the
Examiner should be directed to Siegfried Chencinski whose telephone number is 703-
305-6199. The Examiner can normally be reached Monday through Friday, 9am to 6pm.
If attempts to reach the Examiner by telephone are unsucccessful, the Examiner's
supervisor, Hyung S. Sough, can be reached on 703- 308-0505.

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

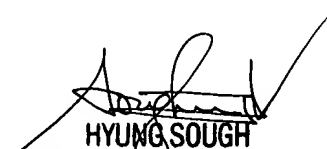*Commissioner of Patents and Trademarks Washington D.C. 20231*

or faxed to:

(703)305-7687   [Official communications; including After Final communications
labeled "Box AF"]

(703) 746-8177   [Informal/Draft communications, labeled "PROPOSED" or
"DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2411 Crystal Drive,
Arlington, VA, 7th floor receptionist.

SEC
June 10, 2003

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